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Bruno, et al. v. Walmart.com USA LLC, et al.,
No. C-09-00445 JCS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANDREA RESNICK, GARY BUNKER, JOHN HALEY, AMY LATHAM, ERIC ROSLANSKY and KEVIN SIMSPON, on behalf of themselves and others similarly situated, *Plaintiffs*, vs. WALMART.COM USA LLC, WAL-MART STORES, INC. and NETFLIX, INC. *Defendants*.	Case No. C-09-0002 PJH **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Brandon J. Bruno and Paige Gabay submit this Administrative Motion, pursuant to Civil Local Rule 3-12, to relate *Bruno, et al. v. Walmart.com USA LLC, et al.*, Case No. C-09-00445-JCS ("the *Bruno* Action"), filed January 30, 2009, to *Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. C-09-0002 PJH ("*Resnick* Action"), the first filed action.

I. RELATED CASES

The cases identified below, including the first-filed *Resnick* Action, are related to the *Bruno* Action. As indicated, most of these cases are now pending before The Honorable Phyllis J. Hamilton, United States District Judge.

	CASE NAME	CASE NUMBER	DATE FILED
1.	*Resnick, et al. v. Walmart.com USA LLC, et al.*	CV-09-0002-PJH	January 2, 2009
2.	*O'Connor v. Walmart.com USA LLC, et al.*	CV-09-0096- PJH	January 9, 2009
3.	*Endzweig v. Walmart.com USA LLC, et al.*	CV-09-0111-PJH	January 9, 2009
4.	*Schmitz v. Walmart.com USA LLC, et al.*	CV-09-0116-PJH	January 9, 2009
5.	*Lynch v. Walmart.com USA LLC, et al.*	CV-09-0138-PJH	January 12, 2009
6.	*Groce v. Walmart.com USA LLC, et al.*	CV-09-0139-PHJ	January 12, 2009
7.	*Sivek v. Walmart.com USA LLC, et al.*	CV-09-0156- PJH	January 13, 2009
8.	*Faris v. Walmart Stores, Inc.*	CV-09-0180- PJH	January 14, 2009
9.	*Slobodin v. Netflix, Inc., et al.*	CV-09-0225- PJH	January 16, 2009
10.	*Anthony v. Walmart.com USA LLC, et al.*	CV-09-0236- PJH	January 20, 2009
11.	*Polk-Stamps v. Netflix, Inc., et al.*	CV-09-0244- PJH	January 20, 2009
12.	*Sheeler v. Walmart.com USA LLC, et al.*	CV-09-0274- PJH	January 22, 2009
13.	*Chapman v. Netflix, Inc., et al.*	CV-09-0294- PJH	January 22, 2009
14.	*Orozco v. Netflix, Inc., et al.*	CV-09-0297- PJH	January 22, 2009
15.	*Landels v. Netflix, Inc., et al.*	CV-09-0340- PJH	January 26, 2009
16.	*Grime v. Netflix, Inc., et al.*	CV-09-0349- PJH	January 26, 2009

	CASE NAME	CASE NUMBER	DATE FILED
17.	*Meyer v. Walmart.com USA LLC, et al.*	CV-09-0361- PJH	January 27, 2009
18.	*Randall v. Walmart.com USA LLC, et al.*	CV-09-0368- PJH	January 27, 2009
19.	*Hirsch v. Netflix, Inc., et al.*	CV-09-0375- PJH	January 27, 2009
20.	*Miscioscia v. Netflix, Inc., et al.*	CV-09-0377- PJH	January 27, 2009
21.	*Patras v. Netflix, Inc., et al.*	CV-09-0378-MEJ	January 27, 2009
22.	*Chatelain v. Netflix, Inc., et al.*	CV-09-0391- PJH	January 28, 2009
23.	*Weiner v. Walmart.com USA LLC, et al.*	CV-09-0398-BZ	January 28, 2009
24.	*Millrood v. Walmart.com USA LLC, et al.*	CV-09-0399-JCS	January 28, 2009
25.	*Kober v. Walmart.com USA LLC, et al.*	CV-09-0400-EDL	January 28, 2009
26.	*Lacabe v. Walmart.com USA LLC, et al.*	CV-09-0402-JL	January 28, 2009
27.	*Roy v. Netflx, Inc., et al.*	CV-09-0434-JL	January 30, 2009
28.	*Zaker v. Netflix, Inc., et al.*	CV-09-0447-MEJ	January 30, 2009

II. RELATIONSHIP OF THE ACTIONS

This administrative motion is made on the grounds that the *Bruno* case involves substantially the same subject matter as the actions listed above in Section I, including the *Resnick* Action: an alleged conspiracy to illegally fix, raise, maintain and/or stabilize the prices charged for the sales and online rentals of DVDs in the United States. Plaintiffs in all the cases assert claims for violations of the Sherman Act, 15 U.S.C. §§ 1 and 2, against the same Defendants.

It appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the cases are conducted before different Judges. Accordingly, relating the *Bruno* Action to the *Resnick* Action will help eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.

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III. CONCLUSION

Plaintiffs Bruno and Gabay therefore respectfully request that the *Bruno* Action be deemed related *Resnick, et al. v. Walmart.com USA LLC, et al.*, No. C-09-0002-PJH, and that it be assigned to the Honorable Phyllis J. Hamilton.

Dated: February 5, 2009

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